

REMARKS

A substitute Abstract of the Disclosure is provided on an accompanying separate sheet and is believed to address the objection to the abstract noted in the Official Action.

The specification is amended to add reference numeral 14 to the description and is believed to address the drawing objection noted in the Official Action. No new matter is added by the specification amendment.

Claims 1-6 were previously pending in the application. Claim 2 is cancelled and new claim 7 is added. Therefore, claims 1 and 3-7 are presented for consideration.

Applicant would like to thank the Examiner for indicating allowable subject matter in claims 2-5. In reliance thereon, claim 1 is amended to include the allowable subject matter of claim 2; claims 3 and 5 are amended to depend from claim 1.

Claims 1 and 6 are amended to address the claim objection noted in the Official Action.

Claims 1 and 6 are rejected as being anticipated by HOWETH 4,482,367. This rejection is respectfully traversed as to claim 6. Claim 1 is believed allowable based on the addition of allowable subject matter to claim 1.

Claim 6 provides that a central axis of the filter element is directed in a direction other than a vertical

direction with respect to a body of the vehicle to which the engine is mounted and wherein a flange portion of the case to which the cover is mounted and arranged is in a substantially horizontal plane and wherein the cover is removable in a substantially vertical direction from the body of the vehicle.

By way of further explanation, Figure 2 of the present application shows the cover 5 removed from the case 7 (see Figure 1). As provided in claim 6, removing the cover from the case removes the filter element from the case. Accordingly, Figure 2 of the present application shows the removed cover having the filter element 6 therein. Figure 2 of the present application also provides a frame of reference and it is seen from Figure 2 that a central axis of the filter element is directed in a direction other than a vertical direction with respect to a body of the vehicle to which the engine is mounted. As further seen in Figure 2 of the present application, a flange portion (unnumbered beneath reference numeral 8c) is arranged in a substantially horizontal plane. Disengaging the cover 5 and filter element 6 from the casing 7 is performed in a substantially vertical direction. This is further seen in Figure 5 step S5 of the present application wherein the cover 5 and filter element 6 are being connected to the case 7 (removal would be in the opposite vertical direction).

The Official Action states that the filter structure of HOWETH is capable of being used with a vehicle engine and arranged in a direction other than vertical with respect to the vehicle body and engine. Although this assertion may be correct, based on the design of HOWETH, removal of the cover (and filter) would also be in a direction other than vertical with respect to the vehicle body and engine. Specifically, as seen in Figure 1 of HOWETH, the sides of the filter element 26 are substantially parallel with respect to the side walls 13 of cylindrical housing 12. Removal of the cover and filter element in a direction other than a direction parallel to the central axis of the filter element would cause damage to the filter element or not allow the filter element to be removed.

Therefore, HOWETH can only meet the limitation that the central axis of the filter element is directed in a direction other than a vertical direction with respect to a body of the vehicle to which the engine is mounted or that the cover is removable in a substantially vertical direction from the body of the vehicle (if filter is mounted vertically), but not both of these features. Since both of these features are recited in claim 6 of the present application, HOWETH could not anticipate claim 6. As this reference does not disclose that which is recited, the anticipation rejection is not viable.

Reconsideration and withdrawal of the rejection are respectfully requested.

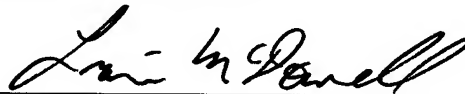
New claim 7 provides that one of the pair of support members comprises a circular disc and is rotatably mounted to the cover. Since claim 7 includes the rotatable feature of claim 1, claim 7 is believed patentable for the same reasons as claim 1. In addition, claim 7 also recites that one of the pair support members comprises a tubular section and that the circular disc is within a central opening at one end portion of the filter element. These features are not disclosed or suggested by HOWETH.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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